

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELIJAH M. SMITH, :  
Plaintiff :  
: :  
: : No. 1:21-cv-00915  
v. : :  
: : (Judge Kane)  
DAVID J. EBBERT, et al., :  
Defendants :  
:

**ORDER**

AND NOW, on this 29th day of June 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's complaint (Doc. No. 9) is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff may not file an amended complaint in the above-captioned case;
2. Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 3) is **DENIED AS MOOT**;
3. Plaintiff's motion to appoint counsel (Doc. No. 10) is **DENIED**; and
4. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania